



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

**JUL 18 2008**

The Honorable Rick Melmer  
Secretary of Education  
South Dakota Department of Education  
700 Governors Drive  
Pierre, South Dakota 57501-2291

Dear Secretary Melmer:

I am writing in response to South Dakota's request to amend its state accountability plan under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). Following discussions between the Department and your staff, you made certain changes to South Dakota's accountability plan, which are now included in the amended state accountability plan that South Dakota submitted to the Department on May 27, 2008. I am pleased to approve South Dakota's amended plan, which we will post on the Department's website. A summary of South Dakota's requested amendments is enclosed with this letter. As you know, any further requests to amend South Dakota's accountability plan must be submitted to the Department for review and approval as required by section 1111(f)(2) of Title I of the ESEA.

Please also be aware that approval of South Dakota's accountability plan for Title I, including the amendments approved herein, does not indicate that the plan complies with Federal civil rights requirements, including Title VI of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, Section 504 of the *Rehabilitation Act of 1973*, Title II of the *Americans with Disabilities Act*, and requirements under the *Individuals with Disabilities Education Act*.

I am confident that South Dakota will continue to advance its efforts to hold schools and school districts accountable for the achievement of all students. If you need any additional assistance to implement the standards, assessment, and accountability provisions of NCLB, please do not hesitate to contact Martha Snyder ([Martha.Snyder@ed.gov](mailto:Martha.Snyder@ed.gov)) or David Harmon ([David.Harmon@ed.gov](mailto:David.Harmon@ed.gov)) of my staff.

Sincerely,

Kerri L. Briggs, Ph.D.

Enclosure

cc: Governor Mike Rounds  
Diane Lowery

## **Amendments to South Dakota's Accountability Plan**

The following is a summary of South Dakota's amendment requests. Please refer to the Department's website (<http://www.ed.gov/admins/lead/account/stateplans03/index.html>) for South Dakota's complete accountability plan.

### **Acceptable amendments**

The following amendments are aligned with the statute and regulations.

#### **Reporting on teacher qualifications (Element 1.5)**

- **Revision:** Through this technical amendment, South Dakota clarifies that it will include the professional qualifications of teachers in the State and in the districts on the annual State Report Card. Additionally, the report card will also include state-level and district-level information on the percentage of teachers teaching with emergency or provisional credentials, and the percentage of classes in the state and districts not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which (for this purpose) means schools in the top quartile of poverty and the bottom quartile of poverty in the state and districts. This information will also be included on the annual local educational agency report cards of local educational agencies within the state that receive Title I funds.

#### **Rewards and sanctions (Element 1.6)**

- **Revision:** Through this amendment, South Dakota raises the targets that schools and districts must attain in order to be considered distinguished schools and districts. This amendment provides that only student groups meeting the minimum subgroup size of 10 students will be considered in determining whether a school has significantly closed the achievement gap between disaggregated groups of students and should be recognized as a distinguished school.

#### **Including all students (Element 2.1)**

- **Revision:** South Dakota clarifies its workbook to specify which district is responsible for students placed out of district for instruction. In particular, this amendment clarifies that, when a student has been assigned out of district and is enrolled in a South Dakota school operated to serve the special needs of a student (*e.g.*, special education or alternative programs), the student will be counted in his or her district of residence for accountability purposes.

#### **Full academic year (Element 2.2)**

- **Revision:** For accountability purposes, a student in South Dakota is enrolled for a full academic year (FAY) if the student is continuously enrolled from October 1 through the last day of the testing window. This amendment modifies the FAY definition for students with disabilities to reflect the December 1 child count date for students with disabilities. The FAY definition for students with disabilities is amended such that a student in the students with disabilities subgroup is enrolled for a full academic year if the student is enrolled from December 1 through the last day of the testing window.

### **Making AYP determinations (Element 3.2)**

- Revision: South Dakota amends its workbook to reflect new programming for averaging AYP. South Dakota states that, under its uniform averaging procedure, two-year averaging will not be run unless a student group is equal to or greater than 10 across two consecutive years. In cases where there are 10 or more students in the current year, but not the previous year, only the current year's data will be used to determine AYP.

### **Including students with disabilities in AYP determinations (Element 5.3)**

- Revision: In accordance with 34 C.F.R. § 200.20(f)(2)(i)(B), South Dakota will include former students with disabilities as part of the students with disabilities subgroup for two years when determining AYP. A student whose Individualized Education Plan (IEP) has been terminated by the December 1 child count date will be considered a former student with disabilities. A former student with disabilities will be included AYP determinations for the students with disabilities subgroup for a maximum of two test administrations.

### **Graduation rate (Element 7.1)**

- Revision: Beginning with the 2008-09 school year, South Dakota will implement a graduation rate that is consistent with the compact created by the National Governors Association. South Dakota amends its workbook to state, "South Dakota intends to implement graduation rate calculations according to the formula promoted by the National Governors Association (NGA) effective the 2008-2009 school year."